



General Assembly

February Session, 2012

Raised Bill No. 5503

LCO No. 2237

02237_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING THE RECORDING OF TELEPHONIC COMMUNICATIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 52-570d of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2011*):

3 (a) No [person] party, active or otherwise, in a telephonic
4 communication shall, [use any instrument, device or equipment to] by
5 any means, record [an oral private telephonic communication unless
6 the use of such instrument, device or equipment (1) is] or cause to be
7 recorded such communication unless it: (1) Is preceded by
8 documented and reciprocal consent of [all parties to the
9 communication and such] every other party prior [consent either is
10 obtained in writing or is part of, and obtained at] to or as part of the
11 start of [, the] any recording, or (2) is preceded by verbal notification
12 which is recorded at the beginning and is part of the communication
13 [by the recording party] and if any party provides verbal notification,
14 any party may record provided verbal notification or another is
15 recorded, or (3) is accompanied by an automatic tone warning [device
16 which automatically] that produces a distinct signal that is repeated at

17 intervals of approximately fifteen seconds during the communication
18 while [such instrument, device or equipment is in use] recording and if
19 any party provides the automatic tone warning, any party may record.

20 (b) [The] Unless otherwise specified, the provisions of subsection (a)
21 of this section shall not apply to:

22 (1) Any federal, state or local criminal law enforcement official who
23 in the [lawful] performance of his duties records telephonic
24 communications;

25 (2) Any officer, employee or agent of a public or private safety
26 agency, as defined in section 28-25, who in the [lawful] performance of
27 his duties records telephonic communications of an emergency nature;

28 (3) Any person who, as the recipient of a telephonic communication
29 which conveys threats of extortion, bodily harm or other unlawful
30 requests or demands, records such telephonic communication;

31 (4) Any person who, as the recipient of a telephonic communication
32 which occurs repeatedly or at an extremely inconvenient hour, records
33 such telephonic communication;

34 (5) Any officer, employee or agent of any communication common
35 carrier who in the [lawful] performance of his duties records
36 telephonic communications or provides facilities to an investigative
37 officer or criminal law enforcement official authorized pursuant to
38 chapter 959a to intercept a wire communication;

39 (6) Any officer, employee or agent of a Federal Communications
40 Commission licensed broadcast station who records a telephonic
41 communication solely for broadcast over the air;

42 (7) Any officer, employee or agent of the United States Secret
43 Service who records telephonic communications which concern the
44 safety and security of the President of the United States, members of
45 his immediate family or the White House and its grounds; [and]

46 (8) Any officer, employee or agent of a Federal Communications
47 Commission broadcast licensee who records a telephonic
48 communication as part of a broadcast network or cooperative
49 programming effort solely for broadcast over the air by a licensed
50 broadcast station;

51 (9) Any party who records a telephonic communication, provided:

52 (A) Any party under this state's jurisdiction has complied with
53 subsection (a) of this section and, every other party is operating under
54 the authority of or under contract with the United States regardless of
55 location, or

56 (B) Any party under this state's jurisdiction has complied with
57 subsection (a) of this section and has given consideration to laws, if
58 any, that apply within any given termination point's jurisdiction and
59 every other party is not under this state's jurisdiction;

60 (10) Any party who records a telephonic communication, provided
61 the intent of the recording is to memorialize evidence of a crime before,
62 during or after the fact and the unaltered and undisclosed recording
63 must be submitted to law enforcement within a reasonable amount of
64 time; and

65 (11) Any recording that results from any automatic or automated
66 system that may be reasonably categorized as a voice mail, call center,
67 phone answering or similar system and where the calling party was
68 acting under informed consent in the telephonic communication.

69 (c) For the purposes of this section:

70 (1) "Party" means any officer, agent or employee of this state or any
71 political subdivision thereof, an individual acting for or on behalf of
72 the United States government, and any individual, partnership,
73 association, joint stock company, trust, limited liability company,
74 corporation or other legal entity;

75 (2) "Consent" means any instance of an express, implied or informed
76 agreement, approval or permission that is directly linked to a specific
77 recorded telephonic communication; and

78 (3) "Jurisdiction" means any entity denoted as an authority of or
79 under contract with the United States government or any of the states
80 of the United States.

81 (d) Regardless of jurisdiction, where consent by all parties to any
82 given telephonic communication is required, consent shall be
83 considered obtained when any party has given verbal notification to
84 every other party and such notification is recorded at the beginning
85 and is part of the recorded communication.

86 (e) It shall be unlawful for any person or persons to record any
87 telephonic communication if such recording is for the purpose of
88 committing any criminal or tortious act.

89 [(c)] (f) Any person aggrieved by a violation of subsection (a) or (e)
90 of this section may bring a civil action in the Superior Court to recover
91 damages, together with costs and a reasonable attorney's fee.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>July 1, 2011</i>	52-570d
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Statement of Purpose:

To amend provisions concerning the illegal recording of telephonic communications.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]